



Joint Committee of the Senate and the House of Commons

ON

CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

Joint Chairmen:—The Honourable Senator Salter A. Hayden
and

Mr. Don. F. Brown, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

including

FIRST REPORT

THURSDAY, MAY 5, 1955

WITNESS:

Mr. Joseph E. Ragen, Warden of Illinois State Penitentiary.

APPENDIX A: Executions by Electrocution in the State of Illinois,
1927 to 1954.

APPENDIX B: Illinois Statute respecting Judgment and Execution of
Death Penalty.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

COMMITTEE MEMBERSHIP

For the Senate (10)

Hon. Walter M. Aseltine	Hon. Nancy Hodges
Hon. John W. de B. Farris	Hon. John A. McDonald
Hon. Muriel McQueen Fergusson	Hon. Arthur W. Roebuck
Hon. Salter A. Hayden	Hon. L. D. Tremblay
(<i>Joint Chairman</i>)	Hon. Clarence Joseph Veniot
	Hon. Thomas Vien

For the House of Commons (17)

Miss Sybil Bennett	Mr. R. W. Mitchell
Mr. Maurice Boisvert	Mr. G. W. Montgomery
Mr. J. E. Brown	Mr. H. J. Murphy
Mr. Don. F. Brown (<i>Joint Chairman</i>)	Mrs. Ann Shipley
Mr. A. J. P. Cameron	Mr. Ross Thatcher
Mr. F. T. Fahey	Mr. R. Thomas
Hon. Stuart S. Garson	Mr. Philippe Valois
Mr. Yves Leduc	Mr. H. E. Winch
Mr. A. R. Lusby	

A. Small,
Clerk of the Committee.

ORDER OF REFERENCE

THE HOUSE OF COMMONS

MAY 9, 1955

Ordered,—That the said Committee be empowered to adjourn beyond the precincts of the Houses of Parliament to take evidence at a place within the seat of Government from an executioner on the present method of capital punishment in Canada.

Attest.

Leon J. Raymond,
Clerk of the House.

THE SENATE

*(Extract from the Minutes of the Proceedings of The Senate of Canada,
Tuesday, 10th May, 1955)*

The Honourable Senator Farris, for the Honourable Senator Hayden, from the Joint Committee of the Senate and the House of Commons, presented the first Report of the Committee.

The said Report was then read by the Clerk, as follows:—

MONDAY, May 9, 1955.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries begs leave to present the following as its first Report.

Your Committee recommends that it be empowered to adjourn beyond the precincts of the Houses of Parliament to take evidence at a place within the seat of Government from an executioner on the present method of capital punishment in Canada.

All which is respectfully submitted.

J. W. de B. FARRIS
for
SALTER A. HAYDEN,
Joint Chairman.

With leave of the Senate,
The said Report was adopted.

REPORT TO THE SENATE AND THE HOUSE OF COMMONS

The Special Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries begs leave to present the following as its

FIRST REPORT

Your Committee recommends that it be empowered to adjourn beyond the precincts of the Houses of Parliament to take evidence at a place within the seat of Government from an executioner on the present method of capital punishment in Canada.

All of which is respectfully submitted.

SALTER A. HAYDEN
DON. F. BROWN,
Joint Chairmen.

NOTE: The foregoing Report was presented and concurred in by the House of Commons on May 9, 1955, and by the Senate on May 10, 1955.

MINUTES OF PROCEEDINGS

THURSDAY, May 5, 1955.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met at 10.00 a.m. Mr. Don. F. Brown, Joint Chairman, presided.

Present:

The Senate: The Honourable Senators: Hodges, McDonald, Tremblay, and Veniot—(4).

The House of Commons: Messrs. Boisvert, Brown (Brantford), Brown (Essex West), Cameron (High Park), Fairey, Leduc (Verdun), Lusby, Mitchell (London), Montgomery, Murphy (Westmorland), Shipley (Mrs.), Thatcher, and Winch—(14).

In attendance: Mr. Joseph E. Ragen, Warden of Illinois State Penitentiary; Mr. D. G. Blair, Counsel to the Committee.

On request of the presiding Chairman, Counsel introduced Warden Ragen to the Committee.

Warden Ragen made an oral presentation on electrocution as an alternative method of capital punishment. He also commented on the experiences in Illinois since the abolition of corporal punishment in that State. During the course of his presentation, Warden Ragen distributed copies of a booklet "Joliet-Stateville Branch—ILLINOIS STATE PENITENTIARY" describing the institution and its operation.

The witness was questioned on his presentations. During this period it was agreed that the witness would forward to the Committee for printing as appendices statistics on executions in Illinois together with the relevant Statute relating to judgment and execution of capital punishment cases in that State (*See Appendices A and B respectively*).

The presiding Chairman expressed the Committee's appreciation to Warden Ragen for his presentations.

The witness retired.


At 12.05 p.m., the Committee proceeded *in camera*.

During its *in camera* sitting, the Committee agreed, *inter alia*:

1. That the medical evidence scheduled to be heard on May 10 be taken *in camera* and examined as to the extent to which it shall be printed in the proceedings;
2. That final arrangements now be made to effect the Committee's resolution of May 3 to hear direct evidence *in camera* on the existing method of capital punishment in Canada and that the evidence so taken be examined as to the extent to which it shall be printed in the proceedings. (*See also First Report to both Houses of Parliament and Orders of Reference relating thereto*).

At 12.15 p.m., the Committee adjourned to meet again as scheduled.

A. Small,
Clerk of the Committee.



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EVIDENCE

MAY 5, 1955.
10.00 a.m.

The PRESIDING CHAIRMAN (*Mr. Brown, Essex West*): Will you kindly come to order, ladies and gentlemen? Senator Hayden will be here to represent the Senate in the chair in a very short while.

Before introducing the witness, may I tell you that on Tuesday next our witness will be Professor J. K. Ferguson of the department of pharmacology of the University of Toronto, and Dr. Blank—that is not his name—who is an outstanding neuro-surgeon in Ontario. The name for our purposes will be Dr. Blank. He will give us some very interesting and probably shocking evidence with respect to capital punishment.

Today we have as our witness an outstanding person, too, and I am going to ask Mr. Blair, our counsel, if he will introduce Warden Joseph E. Ragen of the Illinois State Penitentiary.

Mr. BLAIR: Mr. Chairman and members of the committee, Warden Ragen has been good enough to come to speak to us primarily on the question of electrocution. Electrocution is the method used for carrying out capital punishment in the State of Illinois and in his institution electrocutions occur from time to time. He has witnessed a considerable number of them. But I think in fairness to Warden Ragen I should mention that he is an outstanding man in penal affairs in the United States. He has been in the Illinois State Penitentiary system for thirty-three years and for the past twenty years, with one gap of a few months, he has been the warden of the Illinois State Penitentiary which consists of two units at Joliet and Stateville. Prior to that he was warden of another Illinois institution. Without anticipating what Warden Ragen may say, I should mention that his institution, which is described in the pamphlet which you will have—or at least one of those institutions, namely, Stateville—is the place where incorrigibles are sent in the State of Illinois, and it occurred to me that it might be very interesting to the committee if Warden Ragen would give us a brief account of his institution and the kind of people he has to deal with there.

It is a pleasure to introduce Warden Ragen to the committee.

Mr. Joseph E. Ragen, Warden, Illinois State Penitentiary, called:

The PRESIDING CHAIRMAN: You may remain seated if you would like to.

The WITNESS: Mr. Chairman, members of the committee, I consider it quite an honour to be called into a neighbouring country to testify before a group such as your group and I assure you it will be a pleasure for me to cooperate in all the ways that I can. Before I go into detail, I would like to suggest that at any time you are in the vicinity of the institution at Joliet you should drop in—just for a day, however, and not for any great length of time.

Illinois classifies men who are convicted in that state and in the northern part of the state everyone is received at Joliet at the diagnostic depot, and in the southern part of the state they are received at the diagnostic depot at Menard.

The PRESIDING CHAIRMAN: Is it just for men?

The WITNESS: Yes. They remain at the diagnostic depot for a period of from 4 to 6 weeks during which time they are examined by a classification board where they receive medical, sociological, psychological and psychiatric examination and a report is made or a recommendation as to the institution at which these people should serve their time. Generally speaking the youths are sentenced directly to the youth commission in the state of Illinois. The older or improvable type are sent to the Joliet institute and the criminally insane to Menard which is located at Chester, Illinois. The long-termers, repeaters, trouble makers and non-conformists are sent to Stateville and the occasional offender to the Joliet branch.

We have quite an educational program in these two institutions and those of less than grade 8 education must attend school to the eighth grade and are encouraged to finish four years of high school at the end of which they are given a diploma provided they pass the educational requirements of that county. Studies are carried out in 42 different vocations.

Stateville is a very maximum security institution. We have approximately 3,000 men confined there. Within that institution is a segregation unit where a great number of non-conformists are confined. It does not mean that a man is kept there forever, but he is kept in that segregation unit until he makes up his mind that he can comply with the rules and regulations. As a rule those men after a few months of being placed there do cooperate. They are given full treatment, three meals a day, modern up to date cells, radio, library, and so on, and hours of recreation separated from the rest of the inmates.

We have quite an industrial and farming program. That is about the story of my institutions.

As to the manner in which executions are carried out, in Illinois electricity is used and under the law men sentenced to executions in southern Illinois are executed at Menard; those sentenced to death in northern Illinois are executed at Joliet, excepting in counties of 1 million population or over, and that includes, of course, Cook County where they take care of their own executions. We do not have too many electrocutions or executions at Joliet. The last one was about 4 or 5 years ago. We did have a man just last week who was taken back after being held around a year after the Supreme Court revised the lower court's decision and he was given a sentence of 150 years on his return to the institution.

We do not use corporal punishment in any form and we do not believe in it. We do not think you need it to operate a prison. We have 700 men or more doing sentences of life and we do not use corporal punishment in any shape or form. Guards and officers are not armed in any way. They carry nothing but their hands so to speak. Instances of assaulting guards are nearly unheard of. Our discipline is strict but it is fair. Perhaps you would like to ask me some questions.

The PRESIDING CHAIRMAN: Perhaps at this stage we could divide our questions into three parts: first, questions dealing with general administration; second, questions relating to capital punishment; and third, questions relating to corporal punishment. Would that be agreeable to the committee?

Mrs. SHIPLEY: May I make one suggestion, Mr. Chairman. Perhaps the witness would not mind explaining an electrocution in greater detail before we go into the question period.

The PRESIDING CHAIRMAN: Yes. Mr. Blair has just reminded me that we should do just that, but I thought I should finish what I started in order that

you could be prepared for the questions. Is it agreeable to the committee that we divide our questions into the three parts I mentioned or are there other parts you would like the questions divided into?

Some Hon. MEMBERS: Agreed.

The PRESIDING CHAIRMAN: Would you tell us something then, warden, of the method of capital punishment; that is, electrocution. I understand that you have seen a few of these?

The WITNESS: Yes.

The PRESIDING CHAIRMAN: How many?

The WITNESS: Probably 15.

The PRESIDING CHAIRMAN: Electrocutions?

The WITNESS: Yes.

The PRESIDING CHAIRMAN: Have you ever seen a hanging?

The WITNESS: Yes, one.

The PRESIDING CHAIRMAN: Have you ever seen death by gas chamber?

The WITNESS: No, but I have inspected a number of gas chambers.

The PRESIDING CHAIRMAN: Have you ever seen any other means of capital punishment?

The WITNESS: No.

The PRESIDING CHAIRMAN: Would you tell us something about the method of capital punishment by electrocution. Could you give us a description?

The WITNESS: Well, from an electrician's standpoint, I have some information prepared for me by my master mechanic. Do you want the story leading up to the execution?

Mrs. SHIPLEY: Yes.

The PRESIDING CHAIRMAN: The whole thing.

The WITNESS: When a man is sentenced to death, we execute immediately after midnight, or the beginning of the day of his sentence which would be approximately 12.10 at night. The man, of course, is kept in a separate unit within the same segregation building I was describing during his stay at our institution which must be beyond 60 days after his court sentence. He is not permitted to associate or mingle with other prisoners, and a constant guard is kept on the man throughout the 24 hours of the day. He is given many privileges in the way of visits. The chaplain is, of course, welcome to visit him at any time, and his lawyer is welcome to visit him at any time. His family may visit once a week, and the day before the execution his family can spend a good portion of the day there.

His right leg is shaved, and the center of his head, the forepart of his head. The man is strapped into the chair by several guards, and the whole operation immediately after midnight takes approximately six minutes—the man is dead; he has been examined and pronounced dead by the doctor, and in 10 minutes, the execution chamber is cleared.

I am told and I am sure it is true that they feel no effects at all in the applying of the electricity. When the 2,300 volts are applied, the body of course lunges forward and death is instantaneous, I would say, and the doctors so advise. There is no sound or anything when the power is applied.

The PRESIDING CHAIRMAN: He does, of course, have six minutes for preparation, you say?

The WITNESS: Well, that would be about all, but so far as his being in the chair is concerned, he is not in the chair for more than a minute or a minute and a half at the very longest.

The PRESIDING CHAIRMAN: Could you describe something of what is done with the accused by way of shielding his view of what is going on?

The WITNESS: Yes. He is masked. A black mask is pulled down over his shoulders at the time he leaves his cell.

The PRESIDING CHAIRMAN: Is there some sort of thing put on his face around the bridge of his nose?

The WITNESS: No, it is a big black mask, or a shield or cape, I would say. It is pulled right down over his shoulders.

The PRESIDING CHAIRMAN: Is it metal?

The WITNESS: No, black cloth.

Hon. Mrs. HODGES: It is just put on in order that he will not see anything?

The WITNESS: No.

Hon. Mrs. HODGES: It has nothing to do with the electrocution?

The WITNESS: No. There is an electrode applied on the top of his head at the time he is seated in the chair, and on his right calf, but that is all applied, and the thing is over within a few seconds.

Mr. BLAIR: Is the electrode fixed in a metal cap?

The WITNESS: That is right; it is a football helmet; that is what it is.

Mrs. SHIPLEY: Is there a smell of burning flesh?

The WITNESS: Not unless you apply too much power. If you apply the 2300 volts for two or three seconds, and the 550 volts for about 30 seconds, there is no smell of burning flesh.

Hon. Mrs. HODGES: One of the witnesses who appeared before us said that Sing Sing never got rid of the smell of burning flesh.

The WITNESS: I do not know how Sing Sing does it; that would be true if you left the high power on too long. It should be on for just a second or two.

The PRESIDING CHAIRMAN: Perhaps the committee would like to ask questions on this point at the present time. Would that be agreeable? If so, we might start at the right, with Mr. Mitchell.

Mr. MITCHELL (*London*): Are we to confine our questions to this point?

The PRESIDING CHAIRMAN: We should confine our questions to capital punishment. Is that agreeable to the committee?

Mr. MITCHELL (*London*): Then I have no questions at this time, Mr. Chairman.

Mrs. SHIPLEY: Do you know of any instances where death did not take place instantaneously?

The WITNESS: No, I do not.

The CHAIRMAN: Mr. Montgomery?

By Mr. Montgomery:

Q. I take it that from the time the helmet is placed on the head, and the electrode on the right leg, the person being electrocuted would be dead within two or three minutes?—A. That is right.

The PRESIDING CHAIRMAN: Would it take that long?

The WITNESS: Less time than that I would say.

By Mr. Montgomery:

Q. From the time the helmet is placed on?—A. In the chair, you mean?

Q. Yes.—A. Oh, he is dead within less than a minute.

The PRESIDING CHAIRMAN: He is talking about the time from when the helmet is placed in position.

The WITNESS: It is placed on him in his cell, just immediately before he starts to walk to the chair, which is a very, very short distance away; and he is led by a guard on each side.

Mr. MONTGOMERY: You never knew of a case where they had to apply the shock a second time?

The WITNESS: No.

By Mr. Fairey:

Q. All the preparation, including shaving of the calf and the head is done in the cell before he leaves?—A. Immediately before he leaves.

Q. And from the time that preparation starts and death is pronounced it would not be more than five or six minutes.—A. That is right.

Q. The death chamber is adjacent to the cell?—A. It is right in the same building.

Q. Is the man handcuffed or strapped?—A. He is strapped after he is seated in the chair.

Mr. FAIREY: Are our questions to be confined to capital punishment, Mr. Chairman?

The PRESIDING CHAIRMAN: Yes. Then we can go into corporal punishment later.

By Mr. Fairey:

Q. The warden has had experience in one hanging. I was going to ask him for his opinion. Is it his opinion that electrocution is the most humane method of imposing the death penalty?—A. In my opinion it is.

Q. You prefer it to hanging?—A. Yes.

By the Presiding Chairman:

Q. Would you please discuss hanging?—A. I only saw one hanging. I had no part in the ceremony.

Q. Would you please describe what you saw?—A. The man was led up the thirteen steps of the gallows. There he stood on the trap door. A hood was pulled over his head, the noose was applied and the trap was sprung. He was hanging, I would say, for just a short time, although it seemed to me like an awfully long time. You could see strains and motion in the body while he was hanging.

By Mr. Fairey:

Q. You could actually see him hanging?—A. Yes.

Q. Are you of the opinion that he did not die as he dropped?—A. I am not a medical man.

The PRESIDING CHAIRMAN: You did observe that the body was twitching and squirming after he dropped?

The WITNESS: That is right.

Mrs. SHIPLEY: And there is no such thing in electrocution?

The WITNESS: No, ma'am.

By Mr. Montgomery:

Q. I was going to ask, is there any excitement among the other prisoners, do they know about it?—A. Yes, they know all about it, but there is no excitement; I think there is more tenseness in the personnel than in the prisoners, everyone including myself, because we do not relish it by any means. I do not know how to describe it, but if you were there you would see.

Mr. FAIREY: You would get out of it if you could.

The WITNESS: That is right.

By Hon. Mrs. Hodges:

Q. Is there any reason for it being immediately after midnight?—A. Well, it is perhaps the custom as much as anything, but that is when it is always done.

Q. I was thinking, if you switched it to a different time, would it relieve any of the tenseness?—A. Well, of course, that is the time of the day when there is no activity around the institution at all.

Q. I did not mean in the daytime, I meant perhaps 2 o'clock or 3 o'clock in the morning, or something like that, because everybody who has told us anything about capital punishment so far has given us to understand there is a great deal of uneasiness among the prisoners, but that is not your experience?—A. No, I have never noticed it, I have seen it in the guards.

Q. I wonder if it is fair to ask you if you would be in favour of the abolition of capital punishment?—A. I cannot answer that in my position.

Q. Perhaps it is not a fair question, but I wondered if you had any views.

By Mr. Winch:

Q. How many witnesses do you have at an execution and who are they?—A. Well, we must have twelve in Illinois. There must be the sheriff of the county of conviction and two doctors and ten others, but we probably would let in twenty people if we had the request and we always have the request; however, I watch it very closely and let in as few as possible.

Q. Do you have an autopsy performed after the execution?—A. No, we do not.

Q. In some states they do, I understand?—A. That is right.

Q. Do you know the reason for that at all?—A. Well, really I do not.

By Hon. Mrs. Hodges:

Q. Could I intervene here? You said you had ten or twenty people; are they newspaper people?—A. Oh, yes.

Q. Is that including the ten or twenty?—A. No, besides the newspaper men.

Q. Who would they be, relatives?—A. No, one must be a doctor, one must be the sheriff of the county of conviction—two must be doctors, rather, and nine others, and it could be anyone.

Q. Does the law call for nine other witnesses?—A. The court and the prosecutor are invited but they never attend.

Q. They are not just people who are morbidly curious?—A. No, but they would be there if I permitted it.

Q. That is what I wanted to find out.

By Mr. Winch:

Q. The next question is, do you ever find it necessary to have the doctor give a sedative or drug?—A. No, never.

Q. How do you find the general reaction is? Are they ready to go on with it?—A. I think religion helps them more than anything else.

Q. You find most of them accept religion before they go?—A. Oh, all of them.

Q. You say all of them?—A. That is right.

By Mr. Montgomery:

Q. The question Mr. Winch just asked, what is done for the religious life of the person being executed, do they have a representative of their church?
—A. The church representative goes with the man right to the chair.

Q. And he has an opportunity to call on him in the prison?—A. He can spend twenty-four hours a day with him all the time he is there if he so wishes.

By Mr. Winch:

Q. Are the witnesses paid, by the way?—A. No.

Q. Is the executioner paid extra?—A. Yes, he is.

Q. And the guards too?—A. No, they are given time off in return for the time they spend.

Q. How do you select your guards for an execution?—A. To do the job?

Q. Yes.—A. To press the button, you mean?

Q. No, I mean how do you decide what guards are going to go on the walk and be in the chamber?—A. As a rule a supervising officer and captains and lieutenants, our best men, are used to go through the whole procedure on the night of the execution.

Q. Do you find it upsets the guards?—A. You can notice it on everyone, including myself.

Q. And who actually throws the switch?—A. A man that is paid.

By Mr. Fairey:

Q. Is it always the same person?—A. No.

Q. He is not a special executioner brought in from some other place, he is one of your own guards?—A. That is right.

Q. How do you choose him, do they volunteer?—A. Sometimes they volunteer and sometimes I ask them.

Q. But you do not use the same person each time?—A. No, I never have.

By Mr. Winch:

Q. Is he always an electrician?—A. By all means an electrician or master mechanic.

By Hon. Mrs. Hodges:

Q. He is not necessarily a master mechanic or an electrician who throws the switch?—A. No.

By Mr. Winch:

Q. I do not quite understand that.—A. A master mechanic who is head of all the mechanical set-up and the electrician, they are both civilians and they are in the armature room or the room where all the mechanism is with the man who presses the button.

Q. Well, is he trained on the timing?

The PRESIDING CHAIRMAN: Who do you mean by "he"?

By Mr. Winch:

Q. The one who throws the switch?—A. He is told by the electrician.

Q. This man who throws the switch or presses the button, can he see the convicted person?—A. He can, but he would have to remove a curtain from a window and I am sure he never does that.

Q. How does he know how long to leave on the current?—A. Because the electrician is right there watching a time clock.

Q. Who tells him when to press the button?—A. The warden or assistant warden gives a movement of the hand indicating the time.

The PRESIDING CHAIRMAN: Is the warden in the room where the execution is taking place?

The WITNESS: That is right.

By Mr. Winch:

Q. Can the witnesses see you give the direction to throw the switch?—
A. Yes.

By Mr. Boisvert:

Q. The man throwing the switch, is he known to the public?—A. No.

Q. Would you think the gas chamber is a more humane way to execute a person?—A. Well, personally I do not think so, and I have been told by people who have it, wardens who have them, that there is quite a lot of danger in the operation of lethal gas. I have seen a number of them, I have seen one in California and one in Colorado and last week I inspected a new one set up in Mississippi, and even after the gas has been given there is a lot of danger for the people who must be there.

By Hon. Mrs. Hodges:

Q. Danger to the witnesses?—A. That is right.

The PRESIDING CHAIRMAN: Some danger to the accused too!

The WITNESS: I thought that was obvious.

The PRESIDING CHAIRMAN: That is what I wanted to establish, to whom was the danger?

The WITNESS: To the people who are witnessing it and applying it. However, I have no personal knowledge.

By Mr. Boisvert:

Q. Between electrocution, lethal gas and hanging what would you think—I think you said before electrocution is the best way, but between lethal gas and hanging what would you think would be best?—A. Between lethal gas and hanging?

Q. Yes, what in your opinion would be the best?—A. Well, personally I do not know, but I have been told so many times that gas is very dangerous that I do not believe I would want any part of it.

By Mr. Leduc (Verdun):

Q. You said something a while ago and I did not quite hear it, something to the effect that the accused condemned to death does not receive medical attention before the execution?—A. He is looked after if he is sick and the doctor examines him.

Q. Does he receive any drugs?—A. No.

By Mr. Cameron (High Park):

Q. He could ask for a sedative if he wants it, could he?—A. Well, they have never asked for one.

Q. You mentioned "six minutes from the time that the guards entered the accused's cell until he was dead"—I would be interested in knowing the time limit or the time spent during the time the guards enter the cell until the button is pressed. In other words, how long is it from the time the

operation commences until the first shock?—A. From the time he is let out of the cell until he has been electrocuted, I would say not more than two minutes at the most, maybe two and a half minutes.

Q. And the preliminary preparations, when do they take place, earlier in the day?—A. Yes, and unknown to him.

Q. Unknown to him?—A. That is right.

Q. You mean it is possible to shave the leg and head—A. Well, that is done just immediately before the guards enter.

The PRESIDING CHAIRMAN: What do you mean by preparation?

Mr CAMERON (*High Park*): Well, maybe there are other preparations that I did not think of.

The WITNESS: Of course the chair is tried and a practice run is tried by the guards who are going to handle the actual strapping in of the man to the chair and so on so that there is no fumbling or anything like that. They make two or three practice runs and the power in the chair is also tried by the electrician.

The PRESIDING CHAIRMAN: Without anyone in the chair, of course?

The WITNESS: Oh, yes, no one in the chair.

By Mr. Cameron (High Park):

Q. That is the same reason that you have the electrician and the mechanical man in the armature room so if there is anything that happens they can correct it immediately?—A. That is right.

Q. When the waiting time is up, and I mean by the waiting time when the guards go into the room, from the time the operation is commenced from the end of the waiting time until the first shock of electricity is approximately two minutes?—A. I would say from the time he leaves the cell, the mask is put over his head with the electrode on the top of it and he is led into the chair and strapped into the chair and the juice is applied. To give you an idea, we had three at Joliet a good many years ago and the whole thing was over in seventeen minutes from the time we walked into the death house where the men were confined until the last man was dead, in seventeen minutes three of them had been electrocuted.

The PRESIDING CHAIRMAN: Is there any noise when they apply the juice?

The WITNESS: No.

By Mr. Cameron (High Park):

Q. So far as you can tell from your observations as a layman, from the moment the first shock passes through the body unconsciousness ensues?—A. The second.

Q. And what medical attention is given to the person who has been electrocuted, are there doctors there?—A. After the electrocution?

Q. Yes?—A. Well, two doctors put their stethoscopes on him and feel the pulse and examine him and pronounce him dead.

Q. How long would that be approximately?—A. Oh, it is right away.

Q. What I am trying to get at, Warden Ragen, from the time the current passes through his body the man is dead—A. That is right.

Q. And is there any lapse of time or what length of time elapses from the passing of that current through his body until he is declared dead?—A. Well, as I told you, they give them about two or three seconds at 2,200 and then about thirty seconds at 550 or 600 and then repeat that again, so it is about a minute they are in the chair. For a minute and a half at the very most.

By Mr. Winch:

Q. He gets three jolts of electricity?—A. Two of each.

Q. Yes, two of each?—A. That is right.

Mr. BLAIR: You repeat the high voltage?

The WITNESS: 2,300.

By Mr. Cameron (High Park):

Q. And the man who presses the button or pulls the switch, that is his sole duty, he has no contact with the accused?—A. That is right.

Q. No personal contact of any kind, never even sees him?—A. That is right.

Q. And you have noticed no contortion or twisting of the body after the passing of the shock?—A. Just when the first 2,300 is applied the body lunges forward and when that charge is released, which is only a second, the body just slumps back into position in the chair.

Q. What about the second charge?—A. The same thing happens, but it is much shorter than the first.

The PRESIDING CHAIRMAN: How much is the second charge?

The WITNESS: Just on and off 2,300 for two or three seconds and then 550 to 600 for thirty seconds.

By Mr. Cameron (High Park):

Q. Then they start over again, 2,300 and then 550?—A. Yes.

Mr. BLAIR: On the second application the body lunges forward again?

The WITNESS: With the power.

By Hon. Mrs. Hodges:

Q. It would not indicate he was still alive?—A. No.

Q. It is just muscular reaction?—A. Yes.

By Mr. Cameron (High Park):

Q. Is there any necessity to have a third shock?—A. No.

Q. There never has been?—A. I am told there would be no necessity for the second, but it is always done, that is the practice and has always been the practice and we continue to carry on that way and the time is so short.

Q. If a person has to be put to death then, as far as you can tell, that is about as humane a way as you can think of?—A. I would say so.

Q. From the standpoint of quickness at least?—A. Oh, yes.

By Mr. Boisvert:

Q. Mr. Ragen, is the power used from commercial sources?—A. Commercial, yes.

Q. And do you have an emergency generator?—A. No.

Q. In case of an accident?—A. No, we have two lines from the utilities company running into the institution.

By Mr. Leduc (Verdun):

Q. If the accused asks for drugs before the execution, is he entitled to receive them?—A. I would leave that to the doctor, I would ask the doctor.

Q. And if the doctor agrees, he would receive it?—A. That has never happened.

By Mr. Thomas:

Q. Would the actual time which elapses from the time the guards go into the chamber until it is all over be less than in a hanging?—A. I would say so, yes, it is much less than the hanging that I witnessed.

Q. In an electrocution is there any dimming of the other lights in the institution?—A. No.

By Mr. Lusby:

Q. I think you said that in counties of over one million that the executions are conducted in the county jails?—A. That is the law in Illinois and that is the only state that I know that has that law. (*See Appendix B*)

Q. I suppose each one of those jails would have to be equipped?—A. Cook county is equipped the same as we are.

Q. That is the only one?—A. Yes.

Q. Could you give us an idea of the cost of the equipment, the chair and so on?—A. Well, this of course would only be a guess, I would say a chair can be built by any carpenter—

The PRESIDING CHAIRMAN: It is not built for comfort?

The WITNESS: Oh, no; I would say a couple of thousand dollars. However, that is purely a guess.

By Mr. Lusby:

Q. You spoke of a dynamo, there is some special equipment in there?—A. Well, there is a board with a lot of electrical gadgets which I am not familiar with. That is only a guess.

Q. I was just wondering: you see, here in Canada the executions are largely carried out in the local jails and I was wondering what the cost would be if electrocution was adopted. However, you think it would not be more than \$2,000 to set up the equipment. How many skilled men would be needed, you spoke of the master mechanic at the penitentiary and the electrician.—A. Well, they are there anyway, they are always there.

Q. But would you have to have two men in that job?—A. No, we use our regular master mechanic and regular electrician, they are not extra.

Q. But if the execution took place elsewhere, they would have to have two such men present?—A. I would say so, yes.

Q. Just one other question, have you ever had any case of a man attempting suicide while awaiting the death sentence by electrocution?—A. No, sir.

By Mr. Thatcher:

Q. I would like to ask the warden if he knows of any accidents having taken place in electric chair executions similar to what we have had up here where certain hangings have been bungled and persons have been decapitated and so on?—A. I have never heard of it.

Q. There is no possible way that there could be an accident?—A. I am told not by our master mechanic.

Q. I see, and I think earlier in your evidence you stated there had not been an execution in Joliet for five years, is that an indication that the state is gradually getting away from capital punishment or there is a reluctance to use it?—A. I cannot answer that question, I do not know, but I think there are less executions today than there were years ago.

Q. I would think after five years in a state as populous as yours that the indication might be there.

By the Presiding Chairman:

Q. I think Mr. Ragen has said that some of the executions take place in Cook county?—A. I might say since 1927 when the electric chair became the mode of execution there have been 95 executions in the state of Illinois, 13 at Joliet, 18 at Menard and 64 in Chicago.

Q. Could you break that down as to years?—A. I am sorry, I cannot do that now.

Q. I think what Mr. Thatcher is trying to find out is if capital punishment has been decreasing or increasing?—A. Well, I can give you that information, I will mail it to you. (*See Appendix A*)

Mr. THATCHER: That would be fine.

The PRESIDING CHAIRMAN: I think we have that in the statistics from the United States Bureau.

Mr. BLAIR: I think it would be helpful if you mailed them.

The PRESIDING CHAIRMAN: Would you do that, please, so that we may include it in our record?

The WITNESS: Yes.

By Hon. Mrs. Hodges:

Q. To clarify what Mr. Thatcher was saying, you are not intimating that there has only been one execution in the state of Illinois in the past five years?—A. No, just in my institution.

By Mr. Thatcher:

Q. Would you clarify one other point, you stated you think the electric chair is more humane than hanging, for what reason, is it quicker?—A. I think there is less pain and I know it is better than the hanging I saw and I think it is less gruesome.

Q. What about the deterrent value?

The PRESIDING CHAIRMAN: I think the warden has already declined to answer that question because of his position in the state of Illinois.

By Mr. Lusby:

Q. May I ask if hanging was the mode of execution before the electric chair?—A. That is right.

Q. And has there ever been any movement or suggestion to revert from electrocution to hanging?—A. No. It was changed from hanging to electrocution in 1927 in Illinois and I might say that that time all hangings were handled by the county in which the person was convicted, but today they are handled in the prisons or county jails.

By the Presiding Chairman:

Q. In Cook county, is there more than one place of execution?—A. No, just one, in the county jail.

Q. Then, you have executions in Cook county, in Joliet and Menard?—A. Yes.

Q. There are three places in the whole state of Illinois?—A. That is right.

By Mr. Winch:

Q. I gather Cook county is Chicago?—A. Yes, it is not necessarily Cook county but the law reads in counties over one million and of course Cook county is the only one.

By the Presiding Chairman:

Q. Have you any counties in Illinois less than one million?—A. All are less than one million except Cook.

Q. Do you ever have any reason for capital punishment in those counties which are less than one million, are there any murders committed and do they have to electrocute people in counties of less than one million?—A. People are executed in the prisons.

Q. Tell me this, then, are they removed from a county prison to a central place?—A. Well, there is an imaginary line that goes across the centre of the state and a man convicted south of that line, in the county south of that line is executed at Menard; those north of that line are executed at Joliet excepting counties over one million.

Q. In other words, all persons to be executed are taken to a central place?—A. Yes.

Q. Although the crime may have been committed in any one of the various counties?—A. That is right.

By Mr. Fairey:

Q. I think you said a man must be in your custody for a period of sixty days?—A. I think it is sixty days, yes, sir.

Q. Is that to give him time—A. To give him a chance to go to the higher courts.

Q. For further appeal?—A. That is right.

By the Presiding Chairman:

Q. Tell me this, at what stage of the proceedings is he taken to the central place from the outlying county after conviction?—A. After conviction and sentence which is in most cases immediately after the trial.

By Mr. Fairey:

Q. That is what I was coming to, Mr. Chairman, immediately on conviction in, let us say, a county court, if he is condemned, he is taken to the central place for execution?—A. That is right.

Q. And at that time he has further time for appeal?—A. That is right.

Q. And eventually there is a final verdict, is it sixty days from that time?—A. No, it is sixty days from the date of sentence. I will leave you a copy of the Illinois law. (See Appendix B).

By Mrs. Shipley:

Q. I would like to ask the warden if he has any knowledge at all about injections as a means of execution?—A. You mean of a drug that would cause death?

Q. Yes.—A. No.

Q. It has never been discussed over there as a means?—A. No.

By Mr. Mitchell (London):

Q. Mr. Ragen, is there such a thing as executive clemency?—A. Oh, sure.

Q. So, at the last minute even after you have had your trial runs it may be stopped, how does that operate?—A. Well, in Illinois a man has the sentencing court, they have the supreme court of the state, they have the United States Supreme Court, they have the parole board and the governor; there are five different ways of reducing that sentence if one or any one of them act.

Q. Have you during the past five years known an actual case of executive clemency?—A. Not executive clemency.

Q. Has there been any other kind?—A. I had a man who was there a year. He was received in March last year, sentenced to death to take place in May sometime. The case was taken into the Supreme Court and it dragged through the Supreme court until this April when the Supreme Court reversed the lower court. The man was taken back to the county and he pleaded guilty and was given 155 years.

Q. What is the purpose of these long sentences?—A. I do not know; Illinois has a custom or a system—

The PRESIDING CHAIRMAN: That is Abe Lincoln country and they are long livers down there.

Mr. THOMAS: Is there any life sentence?

The WITNESS: Oh, yes.

By Mr. Mitchell (London):

Q. Does life mean life?—A. Life can mean life.

Q. It can also mean something else?—A. Oh, yes, twenty years. On a sentence of life if a man is eligible for parole in twenty years that is done, but he could be held for life.

Q. Is there any way in which he can get out prior to the expiration of twenty years?—A. Not without the governor's commutation of sentence.

By Mr. Thomas:

Q. I was going to ask if that sentence of 100 or 155 years is imposed so as to ensure that the man does spend his life in jail? I mean, any remission taken off 155 years, would ensure him of spending life or no way of him getting out?—A. That is right, because of his sentence of 155 years, he would not be eligible for parole in less than one-third, which would be fifty years.

By Mr. Montgomery:

Q. Just following that question up, the warden mentioned that the man went back to his county and was sentenced, he had already been sentenced to death?—A. Yes, but the Supreme Court had reversed it.

Q. Just what was their decision when they reversed it, did they find him not guilty?—A. No, just remanded back to the court for re-trial.

Q. Oh, I see, for re-trial, and then he pleaded guilty?—A. That is right.

Q. I think this other question has been pretty well answered. I was going to put it this way: is each man's case reviewed by this state authority once he has been convicted and sentenced to death?—A. Well, it always has been.

Q. Automatically?—A. Yes.

Q. That is in addition to any appeals he make take from the court?—A. Well, the state authorities cannot intervene for a man unless he or his lawyer makes a move, asks for a new trial or whatever the case may be.

Q. Then there is no automatic reference of his case to the state parole board or state remission service?—A. Oh, no.

Q. He must initiate that himself?—A. Yes, however, we make a complete examination of the man as to his guilt or innocence.

Q. This other question is not on capital punishment but one on which we have had some evidence in connection with abolition; in your experience have you ever known a man to be convicted and sentenced to death who still maintained he was innocent?—A. Well, I have heard people say they were innocent, yes.

Q. That is what I mean; he went to his death still maintaining he was innocent?—A. I had one man do that, yes.

By Hon. Mrs. Hodges:

Q. Did you ever know of any instance of a man having been electrocuted and subsequently it was found that he was innocent?—A. No, in this particular case I was pretty sure this man was not telling the truth when he made that statement.

By Mr. Blair:

Q. Mr. Chairman, I wonder if Warden Ragen could tell us whether the death penalty is mandatory in Illinois?—A. No, it is not.

Q. Who has the discretion to determine whether the sentence will be death or imprisonment?—A. The jury or a judge.

Q. Is it the jury or the judge?—A. Well, it is a jury if there is a jury, but if it is tried before the court without a jury, the judge.

Q. In Canada the jury has the function of determining whether or not the accused is guilty of the crime charged, but the judge determines what the sentence shall be.—A. Well, the jury can sentence a man to death in Illinois or they can give him anything for murder down to fourteen years.

By Mr. Fairey:

Q. You mean they recommend that?—A. That is right, the judge carries out their recommendation.

By Mr. Blair:

Q. Are there different degrees of murder?—A. Oh, yes, first, second and third degrees.

Q. And you also have the crime of manslaughter?—A. Yes, murder is anything from fourteen years to death and manslaughter is one to fourteen years, any number of years between one and fourteen.

Q. In a rough way could you tell the committee what the difference is in the different degrees of murder?—A. I am afraid that is a little technical.

Q. I realize that, we are not asking you to define it in a technical way but as a layman what would you say were the differences between the three different degrees?—A. Well, a case of manslaughter many times is where in a fight one person is killed and they determine it is manslaughter,—the state attorney or the court,—and first degree murder would be in a robbery, say.

By Hon. Mrs. Hodges:

Q. You call that first degree?—A. Yes; but I would rather a technical man said that for the members of this committee.

By Mr. Blair:

Q. Does the difference lie in the amount of premeditation and planning?—A. Oh, yes, that has quite a lot to do with it.

Q. It would be of interest to the committee to know who determines what charge will be laid, whether a charge of murder in the first, second or third degree?—A. The state attorney as a rule in preparing the indictment presents a case to the court first degree, second degree, third degree, manslaughter and so on.

Q. Is it possible a man charged with murder in the first degree could be convicted of the lesser offence of murder in the second degree?—A. Yes, because as a rule—again this is very technical but I think there are always two indictments. As you know, I am not a lawyer.

Mr. MONTGOMERY: There is an alternative?

The WITNESS: He could be found guilty of either.

Mr. FAIREY: I am a little at sea here. In this country is it not a fact that all murder trials are before a jury—in Canada is it not a fact that all murder trials are before a judge and jury?

The PRESIDING CHAIRMAN: Yes.

Mr. FAIREY: But in the United States has the prisoner an opportunity to elect?

The PRESIDING CHAIRMAN: I was wondering that myself.

By Hon. Mrs. Hodges:

Q. If they can go on with a jury or a judge?—A. They can plead guilty without a jury but the judge will hear evidence. In all murder cases he will hear evidence.

Mr. BLAIR: If they plead not guilty?

The WITNESS: There is always a jury then.

By Mr. Boisvert:

Q. But if the accused pleads guilty he has a trial?—A. That is right, the judge hears the witnesses.

Q. And the first trial is held before the county court?—A. That is right.

Q. And the accused has five ways of appeal?—A. After conviction.

Q. The supreme court, the United States Supreme Court—A. The governor, the parole board and, of course, the sentencing court too.

By the Presiding Chairman:

Q. It does not go to the United States Supreme Court, as I understand, it goes to the supreme court of Illinois?—A. First the attorney makes a request upon the sentencing in court and if his request for a new trial is denied, then it is taken to the state supreme court and then as a rule to the parole authorities, then to the governor and then to the United States Supreme Court.

Q. It can go to the United States Supreme Court in Washington?—A. I have never known one in Illinois to go that far.

By Mr. Blair:

Q. You have to get leave to go to the United States Supreme Court?—A. Well, there again it is technical.

Q. I think Warden Ragen has a statement from his penitentiary physician and I was wondering if he would read that to us or could give a summary of it?—A. Yes, I will read it:

The method of legal execution in the state of Illinois is by electrocution.

The medical description of such an execution is as follows:
Death is almost instantaneous.

When a moderately high voltage electric current passes through the body of the condemned man there is a combination of causes of death, such as damage to the vital brain centres and severe spasms of all muscles in the body, including the heart.

The resistance of the body to an electric current may cause a formation of a large amount of heat, and the increase in temperature may also play a part in causing death.

Portions of the body in contact with the electrodes, where the current enters and leaves the body, may be severely burned.

Hon. Mrs. HODGES: That is from the prison doctor?

The WITNESS: That is right.

The PRESIDING CHAIRMAN: Would you like to give us his name?

The WITNESS: It is Julius Venkus.

By Mr. Blair:

Q. I would like to revert to an earlier stage in the proceeding. As I understand it the first step in the execution is by a group of people going to the condemned man's cell, how many enter the cell?—A. Generally two guards who lead him out of the cell.

Q. And when they go into the cell one of them shaves his leg and shaves his head?—A. Just before that two men go in, one of them shaves the right calf and the other the top of the head.

Q. There is not any difficulty about that last operation?—A. No, never.

Q. Prisoners have not resisted this?—A. No, as a rule the chaplain of the man is with him at that time.

Q. And while the man is being walked from the death cell to the execution chamber he is not handcuffed or manacled in any way?—A. No, but they do have hold of each arm, he is blindfolded.

Q. Blindfolded and led?—A. That is right.

Mr. WINCH: He never sees the room itself?

The WITNESS: No.

Q. Is the football helmet, placed on in his cell; and the cap that goes over his head, is that part of the helmet?—A. That is right.

Q. And when he is taken to the chair, the electrode which is attached to the top of the helmet is attached to a wire?—A. That is right.

Q. How is the electrode fixed?—A. It is attached to the chair and the right calf is snapped to the electrode after he is seated.

Q. And after the execution he is taken out of the chair within a matter of about a minute?—A. That is right.

My Mr. Montgomery:

Q. I was going to ask, in your experience, following that letter, there was not much of a burn on the man's leg?—A. No, there is not.

The PRESIDING CHAIRMAN: Well now, if we are through questioning on that, could we go into the question of corporal punishment both from the point of view of sentence and from the point of view of administration?

Mr. THATCHER: What is the point of that if they have not got it down there?

Mrs. SHIPLEY: I have a couple of questions.

The PRESIDING CHAIRMAN: I was going to start with Mr. Thatcher but if he has no questions—

Mr. THATCHER: No questions.

By Mr. Thomas:

Q. You say there is no corporal punishment in Illinois either in administration or sentence?—A. That is right.

Q. When did they abolish that?—A. I don't know, long before my time.

Q. It has been a good many years?—A. That is right.

By Mr. Cameron (High Park):

Q. You have never felt any need of it in prison operations?—A. No, sir. I know it has happened in Illinois prisons but not by sentence or by legality. I stopped it immediately after I got into the prisons and we do not have it and I do not think we need it. I have seen it applied in other states.

The PRESIDING CHAIRMAN: What other states?

The WITNESS: I do not think I should mention them.

By Mr. Cameron (High Park):

Q. In Illinois in these instances or times when somebody applied corporal punishment they had no right to do it, they were unauthorized?—A. In Illinois, yes.

Q. The ones you have mentioned now and have seen?—A. I have seen one started and stopped it immediately when I got into the prisons.

Q. Have you ever had any incidents in your penitentiary such as a riot?—A. No, sir, we have not, but I am not saying we cannot have.

Q. But, in your opinion corporal punishment would not be something you require at any time that you can conceive of to maintain discipline?—A. I have all the rioters from Menard and Cook county jails in Joliet right now and I have not given them any corporal punishment.

Q. How do you treat them?—A. Just like any other human being, if they need severe discipline we lock them in segregation, but if they do not, they go along as one of the group.

Q. That may be a partial or even a full answer, but the ones who are potential rioters are isolated?—A. Leaders of riots as a rule are psychopaths, who are not necessarily bad men. They are mental cases of a sort, irresponsible, and we have been fortunate in being able to handle this kind of people. We have segregated some of them and kept them for quite some time, they have been released and are getting along right now in our general group very well.

Q. Your system seems to be very modern; by the time they get to you you have a pretty good record of them; you know the ones who, shall we say, require special care?—A. We have a pretty good story on their whole background, physical and mental set up.

Q. And that helps you tremendously in prison discipline?—A. Oh, yes.

By Mr. Leduc (Verdun):

Q. Where a convict resists an officer, how do you control him?—A. I am sorry, I did not hear.

Q. What do you do when a convict resists an officer?—A. Attacks an officer?

The PRESIDING CHAIRMAN: When a convict resists an officer what do you do?

The WITNESS: We just get enough officers to handle him. That is kind of an unusual thing, it is not an every day occurrence by any means.

By Mr. Winch:

Q. What are the various methods of discipline you use which you think are preferable to corporal punishment?—A. Well, I can tell you what we use in handling them, we deny privileges.

By the Presiding Chairman:

Q. What privileges do you have?—A. We have all sorts of recreation including picture shows and outdoor and indoor recreation daily and we have earphones in each cell where they have a choice of all the radio programs on the air. We have commissary privileges where they can trade or spend money that they may have in their account for things which are permissible at the institution. We can also take away, and do in some cases but not too often, good time that they have earned and we have isolation where we lock a man up for a maximum of fifteen days with one meal a day. The average stay in isolation runs a little less than three days.

By Mr. Winch:

Q. When you mention isolation, you mean it is in a cell all by themselves, cut off from everyone except one hour of recreation?—A. No, in isolation they get no recreation. It could be fifteen days and it could be one day, but the average stay is three days and he only has one meal a day, that is the only privilege he has in isolation. Now, if he is segregated he is placed in a unit that is absolutely divorced from all other parts of the institution; he has three meals a day, a comfortable cell with earphones and visiting and writing and library privileges, and thirty minutes to an hour of recreation every day by himself.

Q. He is completely out of contact with the others?—A. That is right, and he is put into the segregation unit with no definite time set as to when he is going to be released.

Q. You could keep him there as long as you want?—A. That is right.

Q. May I ask what your experience is as to the condition of men who are in segregation for eight months or a year?—A. Condition?

Q. What is the condition of the man mentally?—A. They are in pretty good shape as a rule.

Q. Mentally?—A. Oh, yes, because we have a psychiatrist examine them before they are placed in there and we know they are not mental cases, and if a man shows any mental breakdown at all he is immediately sent to the mental hospital and the psychiatrist sees him there.

Q. Do you very often find you have to keep men in segregation months on end?—A. Well, I have two men in segregation who have been there ten years.

The PRESIDING CHAIRMAN: They want to be alone.

The WITNESS: Yes, they will tell you today they will have nothing to do with rules and regulations so far as living up to them is concerned; that they are satisfied and they want to stay where they are.

Mr. WINCH: Does it not drive them mental?

The WITNESS: I think not.

Hon. Mrs. HODGES: Do they only get one meal a day?

The WITNESSES: No, no, three meals a day.

Mrs. SHIPLEY: Do they do any work?

The WITNESS: No work.

Mr. WINCH: Everything but companionship.

By Hon. Mrs. Hodges:

Q. Could I ask the warden; do you have any trouble with drug addicts or do you segregate them?—A. No, we have a lot of addicts but as a rule when a man comes to us he has withdrawn—he has been in the county jail for a month to six months and he has withdrawn from the drug and he is not on it when we receive him.

Q. You do not segregate them from others?—A. No.

By Mr. Fairey:

Q. You say you do not use corporal punishment, is that forbidden by law?—A. Yes.

Q. Even as a disciplining action within the jail?—A. Yes.

By Mrs. Shipley:

Q. What if a prisoner assaulted a guard, what is the form of punishment?—A. Well, if he assaulted a guard he would go to isolation for fifteen days and in all probability he would lose some good time.

Q. That is on one meal a day?—A. Yes, and that is the maximum time you can keep him in there.

The PRESIDING CHAIRMAN: One meal a day and the loss of some other privileges?

The WITNESS: Yes, good time.

By Mrs. Shipley:

Q. That is the worst punishment you have. Now, it was said here by somebody giving evidence that, when a prisoner attacked an older prisoner and gave him a nasty beating up, this witness said he felt that the authorities in the jail should have the right to inflict corporal punishment in a case of that nature or else other prisoners would be very apt to beat up the younger lad who had beaten up the older man. Have you ever had that?—A. We would punish that man just the same as if he attacked a guard.

Q. And it works?—A. It works.

By Hon. Mr. Tremblay:

Q. Do you often have to put the same prisoners in isolation?—A. Yes, sir, you will find about the same bunch over there that you would find in your police court on Monday morning right here in Ottawa.

Q. Customers?—A. Yes, sir. Your tough fellows or bad men are not violators of rules unless an opportunity comes up and they will then go to the limit, but as a rule your tough men are institution rule violators.

The PRESIDING CHAIRMAN: They are too wise?

The WITNESS: That is right.

Hon. Mr. TREMBLAY: Would you consider isolation just as effective a deterrent as corporal punishment?

The WITNESS: I would say yes, I would say more so because I think corporal punishment would make a man awfully bitter. That is my opinion.

The PRESIDING CHAIRMAN: Do you find that isolation makes an individual at all bitter?

The WITNESS: Well, it depends on the individual, at all bitter?

The WITNESS: Well, it depends on the individual, some of them it does, yes, but they get over it when they are released.

By Hon. Mrs. Hodges:

Q. The warden says he thinks corporal punishment would make people bitter; has he had any experience with men who have undergone corporal punishment?—A. I have seen it in other states.

Q. Have you actually seen men who have undergone corporal punishment?—A. Yes.

Q. Have you found them more bitter than those in isolation?—A. I have been told so, I have no personal knowledge.

Hon. Mr. VENIOT: Segregation is not used actually as a punishment, it is used as a—

The WITNESS: I might explain it in this way: we have only the non-conformists in the state; Illinois has a few more than 9,000 persons in prisons and I have the only segregation unit in the state and I have probably 26 or 27 men locked up in segregation, less than 30, I will say that.

By Mr. Blair:

Q. Is it fair to say that segregation is literally a prison within a prison?—A. That is right.

Q. It is a separate institution?—A. That is right.

Q. And just for the record, this is entirely distinct from what we have called the hole or solitary, isolation is where people are sent for infringing a prison rule?—A. Non-conformists.

Q. Would you think if you did not have this segregation that you might have to have corporal punishment to control your institution?—A. I would not say corporal punishment, but probably instead of less than 30 locked up I would have a couple of hundred locked up in the various cell houses. The very fact we have this unit keeps a lot of fellows on the straight and narrow path who would be trouble makers if it were not for this unit.

Hon. Mrs. HODGES: It is a deterrent then?

The WITNESS: That is right.

The PRESIDING CHAIRMAN: How many men do you employ at one particular time, at any given time?

Mr. CAMERON (*High Park*): You mean on each shift?

By the Presiding Chairman:

Q. Yes?—A. It varies, I have 540 custodial officers in my whole set-up; that includes the Joliet branch, the Stateville branch, and the farm, and it includes four shifts of men, four different crews of men at all those places.

Q. Say at Stateville?—A. In the daytime for 3,000 men we have around 110 guards, custodial officers on duty in the day time.

Mr. CAMERON (*High Park*): How many hours a week do they work?

The WITNESS: Forty-eight.

The PRESIDING CHAIRMAN: Forty-eight hours?

The WITNESS: Yes.

Hon. Mrs. HODGES: That is interesting.

The WITNESS: We hope to work forty hours some day.

Mr. BLAIR: I wonder if Mr. Ragen could tell us how many convicted murderers there are in his institution?

The WITNESS: Yes, I have that here, pretty close to 700.

Hon. Mrs. HODGES: Convicted murderers?

The WITNESS: Yes, ma'am.

Mr. BLAIR: Would you care to generalize on how these people get along with the other prisoners?

The WITNESS: I think you have to take the individual case. I do not think because a man is a murderer he is a bad man. There are 868 inmates at the Joliet state institutions who have taken a life.

The PRESIDING CHAIRMAN: You say "who have taken a life?"

The WITNESS: Yes, sir, that means manslaughter or murder—667 for the crime of murder.

By Hon. Mrs. Hodges:

Q. How many of those are awaiting the death sentence?—A. None.

Q. Are they all life imprisonment?—A. Not necessarily life, there are 199 for the crime of manslaughter, 667 for murder.

Mr. MONTGOMERY: Some of these prisoners may be paroled?

The WITNESS: The records show that 97 per cent of the men in prisons are released some day and that applies to every state in America.

By Mr. Winch:

Q. In your experience, do you know once a man is released if he again takes a life is it a rare occasion?—A. I might quote the parole authorities who say that the violation of parole of murderers is less than one-half of one per cent. That does not mean by taking a life he is a parole violator, he could get drunk or leave the country. I do not know of a man in Illinois who ever committed a second murder.

Q. And you say that on breaking parole like getting drunk, it is still less than one-half of one percent?—A. That is right.

Hon. Mrs. HODGES: Does that follow that the sentence they get is a deterrent or the fear of death is the deterrent?

The WITNESS: I think every case is an individual case and I do not think you can group them.

By Mr. Mitchell (London):

Q. You make no special provision for inmates who have been convicted of murder?—A. No.

Q. They are simply run-of-the-mill prisoners and dealt with as such?—A. That is right.

Mrs. SHIPLEY: I find the statement that you do not know of a man in Illinois, which includes Chicago, who was released from prison and again committed a murder, interesting. I suppose the worst ones are never paroled like the ones we read about?

The WITNESS: Oh, we have some of those, but I can truthfully say that I do not know of a man who came back to the institution for murder or was ever charged with a second murder.

The PRESIDING CHAIRMAN: What you are saying is, you know of no one who has committed a murder and was sentenced and served a term and was then paroled who had ever come back for a second murder?

Mrs. SHIPLEY: That is right.

By Hon. Mrs. Hodges:

Q. Were you the warden at the time of the gang wars, the Capone gang and so on?—A. Yes, I have some of those people there.

Q. According to the stories we heard, some of those people killed more than one.—A. Well, of course, I can only talk about people who have been convicted and sentenced for a specific crime. We have a great many of the notorious hoodlums out of Chicago and when they get to us they are just another person, we do not care who they were on the outside.

By Mr. Fairey:

Q. You do not have the Chicago ones?—A. Oh, yes.

Q. I thought they were in Cook county.—A. No, that is only the executions, 85 per cent of my population is from Cook county.

By Mr. Blair:

Q. Do you find that the men in your institution convicted of murder are more prone to attack guards or violate the rules more than other prisoners?—A. No, I would not say so.

Q. You do not have the feeling that your convicted murderers constitute as a class, a danger to the guards or the other inmates?—A. No.

The PRESIDING CHAIRMAN: Are they treated in any way different from the other prisoners?

The WITNESS: No, not at all, some of them are on the farm staff, several of them are assigned to my own home as servants.

By Mr. Blair:

Q. Is your state one of the states which makes provision for a mandatory death sentence if a convicted murderer attacks and kills a guard?—A. It is not mandatory, no, sir. Any sentence that is added to the present sentence in Illinois, whatever it is, must be consecutive, it cannot run concurrent.

Q. But your state does not provide a mandatory death sentence for a second murder?—A. No.

Mr. WINCH: Do you have many cases of assault on guards?

The WITNESS: I had one guard assaulted a year last December, I think that was the last one and the first one for quite some time.

The PRESIDING CHAIRMAN: Could you tell us why he was assaulted?

The WITNESS: Well, this fellow was a psychopath and our guard happened to be a coloured man and unknown to any of us coloured people were not liked by this particular inmate who was there for a sentence on murder and who was one of the participants in the Menard riot and he fashioned a knife from sheet metal in the place where he worked and stuck it in the guard. It was a quick home-made affair and it was all done within a very short while.

Mr. LUSBY: In a case like that would the other guards be likely to inflict a little corporal punishment on the man while securing him?

The WITNESS: No, the man was taken down town and given an added sentence of twelve to fourteen years for attempted murder to run concurrent with his sentence.

The PRESIDING CHAIRMAN: Did this prisoner kill the guard?

The WITNESS: Oh, no.

By Mr. Fairey:

Q. Mrs. Shipley asked you something about an attack of a younger prisoner on an older man, have you had any experience of attacks of one prisoner upon another?—A. Oh, sure.

Q. And is there a tendency of the other prisoners to punish the first offender?—A. No, because we punish the man ourselves and if the other prisoners attempted to do it we would punish them for doing it.

Mrs. SHIPLEY: One more question, we read things in the press about what goes on or is supposed to go on in certain jails in the United States, and I gather from your statement that there is no possibility in Joliet of a wealthy prisoner being given or receiving any special treatment, special meals or any special consideration?

The WITNESS: That is true, there is only one way I can prove that and that is that my institution is open to any visitor or the press at any time.

Mr. WINCH: You allow the press into your institution?

The WITNESS: Yes, sir, invite them in and like them to come in.

Mr. MONTGOMERY: Have they been permitted to interview the prisoners?

The WITNESS: Oh, yes.

By the Presiding Chairman:

Q. Well now, Joliet and Stateville are institutions which take prisoners who are convicted of, I would assume, major offences?—A. All felonies, that is right.

Q. Could you tell us the average length of time they are guests at your place?—A. It runs around five and a half years.

Q. Now then, you said a moment ago that you gave them vocational training?—A. That is right.

Q. Forty-two different trades, I believe?—A. That is right.

Q. Could you tell us something about that program, that is to say, what requirements are there to take vocational training, some manner of vocational training first of all?—A. Well, of course, many vocations—it is first necessary to find out because there would be no sense in trying to teach a man television or radio who did not meet the requirements to cover these subjects, but we teach forty-two different things.

Q. Could you tell us what those trades are?—A. In our vocational school we have radio, television, electrical appliances, typewriter repairing, printing, refrigeration, welding, sign painting and window decorating, automotive work of all types and descriptions, that is from the very beginning of an automobile right through, woodworking, cabinet and furniture making, mattress making, soap making, tailoring of all descriptions, book binding and the various trades such as carpentering, electrical trades, plumbing, heating and so forth. One of the trades that has proven to be very satisfactory is mechanical dentistry, we make all our dentures and bridgework in our own institution under the supervision of our dentist, and these men are really in demand. Photography is another vocation, horticulture, we put out around 400,000 flower plants each year, and the various branches of farming. I think that will give you the story.

Hon. Mr. TREMBLAY: Who teaches?

The WITNESS: They are equipped to take care of the training.

By Mr. Fairey:

Q. What is the length of the day in these vocational courses, how many hours a day do they put in?—A. It is a complete day, that is all they do.

Q. For how long?—A. Five days a week, that is all they do, go to school.

By Hon. Mrs. Hodges:

Q. Is that available to every inmate?—A. Yes, for those who have less than the grade VIII education, they must go.

Q. Well, for instance, a man who is in there for 155 years, does he have to take the course?—A. Yes, because we feel he is going to be a better man when he is finished.

By the Presiding Chairman:

Q. Do you ever have cases where they refuse to take an educational course?—A. Their refusal to work is nearly an unheard of thing in my prisons; now and then you find them but it is most unusual.

Q. What do you do with them?—A. I have one fellow now in segregation who does not want to go to work.

By Mr. Fairey:

Q. You class this as work?—A. Well, whatever it may be refusal to do—anything.

Q. Are there any other duties the prisoners have to perform besides going to school?—A. No, that is all.

Q. They keep their cells clean, I suppose?—A. Oh, yes.

By the Presiding Chairman:

Q. Do they get any pay?—A. Only those who work in our industries.

Q. What do you mean by industries?—A. Well, furniture.

Q. You mean you have a furniture factory and sell to the public?—

A. No, we sell to tax-supported establishments, counties and cities.

Hon. Mrs. HODGES: The same as we do.

Mr. FAIREY: Postal collection boxes are made in the penitentiaries.

Hon. Mrs. HODGES: And furniture, I have seen some beautiful furniture turned out.

The WITNESS: We work 300 men in our furniture factory, we make mattresses and soap, about five million pounds of soap.

By Mr. Fairey:

Q. Well, when does it cease to be a course and start to be a manufacturing plant?—A. I do not think it ceases, we do not have the requirements, I mean, the men do not have to produce so many pieces a day.

Q. Let us say a man is in the soap factory but would prefer to be in the machine shop, can he do that?—A. Yes, he will be released from the soap factory to the machine shop, they have that privilege.

By the Presiding Chairman:

Q. When does he start to get paid?—A. Only when he is in production in one of the industrial jobs, the book binding, soap, textiles or shoes.

Q. Let us say shoes, there is a certain period of training?—A. Oh, yes.

Q. How long does that continue?—A. The minute he is assigned to the shoe shop he is paid, but it is not a requirement that any man must produce 100 or 200 or 500 pairs of shoes a day, they are paid so much a pair on the basis of piece work, but it is all divided equally between all the men, so the man who sweeps the floor makes as much money as the others.

Hon. Mrs. HODGES: Supposing one man makes three pairs of shoes and another man makes one pair?

Mr. FAIREY: Well, that does not happen.

Hon. Mrs. HODGES: Perhaps one man is lazier than the other, does he get paid as much?

The WITNESS: That is right, the man who sweeps the floor makes just as much as the best mechanic.

By the Presiding Chairman:

Q. Do you figure the fellow who does three pairs of shoes a day would see that the fellow who only makes one pair of shoes would pull up his socks and produce more?—A. I have never seen a man lay down on the work in prisons, they produce pretty well while they are in there.

Q. You feel the average individual wants to produce?—A. That is right, they want to be occupied, to be doing something.

By Hon. Mr. Tremblay:

Q. What about a competent teacher you get in?—A. We use him.

Q. He would be paid?—A. If he was in production in one of the industries.

Q. But he would not be paid if he was teaching in school?—A. No, sir.

By Hon. Mrs. Hodges:

Q. You mean the man who teaches crafts?—A. The inmate who teaches is not paid.

Q. You pay the man who sweeps the floor in the factory but not the man who makes the whole thing possible?—A. Well, it is because of the law of the state.

Q. It sounds illogical.—A. I would like to pay every man in prison, but we do not have the money.

By Mr. Fairey:

Q. Is this not the effect, let us say the man in charge of your shoemaking shop, he is paid just the same as the floor sweeper?—A. Pardon?

Q. He would be paid just the same as the man who sweeps the floor?—A. He is a civilian, he is paid.

Q. He is not an inmate?—A. We do not charge an inmate with any responsibility, there is a paid, capable man in charge of everything.

By Hon. Mrs. Hodges:

Q. To come back to that point, you have inmates who do teach various trades?—A. That is right, well, we have them in the institution but the man in charge of things is a civilian but under my control and the inmate teachers work with him in teaching other men.

Q. But they do not get extra pay?—A. Not unless they are in production.

Q. They seem to be producing tradesmen?—A. That is right.

Mr. FAIREY: So a man is better off not teaching?

The WITNESS: Yes.

Mr. MITCHELL (*London*): Do I gather that an inmate is not eligible to take a job in one of the shops until such time as he has passed his grade VIII education?

The WITNESS: That is right.

By Mrs. Shipley:

Q. And these assistant teachers, if they prefer to go in a production shop would they have that option where they would get paid?—A. Oh, yes.

Q. They could go there if they wanted to?—A. Providing there was a vacancy, I would not throw a man out of a shop who was doing a good job. But, as a rule, there are vacancies.

By Mr. Cameron (Hight Park):

Q. In other words, you have a waiting list?—A. Yes.

Q. No unemployment.—A. Fortunately we have work for everyone and we hope it always stays that way.

By the Presiding Chairman:

Q. Do you have programs in native craft and handicraft such as ceramics, metal work, leather work and things like that?—A. No, we do not. You mean where it is sold by the institution to the public?

Q. Or given away by the inmates?—A. No.

Mr. WINCH: Do you not have any hobbies at all?

The WITNESS: Only within the training operation. We have no sale-work outside of painting. They could do some painting in their cells, there is all kinds of study and many of them do it.

Hon. Mrs. HODGES: You mean art work, not painting themselves?

The WITNESS: That is right.

By Mrs. Shipley:

Q. Have you many of them that paint?—A. Oh, yes.

Q. Are some of them pretty good?—A. Well, I think so, yes, I have had some critics tell me they are good.

By Mr. Montgomery:

Q. If we are finished with that, I would like to ask a question. I notice you have an honour system; would you care to comment on that, how it works on the farm?—A. You mean as to how a man is kept there?

Q. Yes, who may be put there. Just how much freedom is given to them?—A. Well, we do not permit those convicted of sex crimes outside of the wall, but just about every other crime. If a man can qualify he goes. A man can qualify in many ways; first of all, he cannot be wanted by another authority, he cannot have an escape record; if he has ever escaped from any institution he is not eligible to be placed outside the wall. But other than sex crimes, a man is interviewed by two captains, the assistant warden and myself.

The PRESIDING CHAIRMAN: You mean a murderer?

The WITNESS: Oh, yes.

The PRESIDING CHAIRMAN: Do you have any trouble with murderers?

The WITNESS: No.

Hon. Mrs. HODGES: Suppose there was a sex murderer?

The WITNESS: No, a sex murderer would not be allowed outside.

By Mr. Montgomery:

Q. He is assigned to the type of job he prefers on the farm, is that it?—A. Well, it could be the dairy, the hog set-up, the poultry or gardening.

Q. Does he go back to the institution at night?—A. No, we have a dormitory on the farm, 400 men outside the cells.

Q. How many guards would be there in the daytime when they are working?—A. Well, we really do not have guards, they are supervisors scattered over 2,200 acres of farm land.

The PRESIDING CHAIRMAN: Do these supervisors carry weapons?

The WITNESS: Oh, no.

Mr. WINCH: How many escapes have you had?

The WITNESS: I have had two, I am not bragging about this, but I have had two in five and a half years.

By Mr. Montgomery:

Q. That is what you call the honour system, they go out and work on the farm and all over the place?—A. I am not bragging about that, I could have two escapes tonight or five, because when you get to bragging about how many do not escape it generally happens.

Mrs. SHIPLEY: He is still leary.

The WITNESS: Five years ago last August I had two men get away. Then I did not have an escape until a year ago last January when a man walked off. Then this last February a man walked off; and they, of course, are all back. The man who walked off in February was caught within an hour.

Hon. Mrs. HODGES: Could it be you make things so pleasant they do not want to go?

The WITNESS: No, it is not that because I am a pretty strict disciplinarian.

The PRESIDING CHAIRMAN: Your institution has a reputation of being one of the toughest in the country, is that a fact?

The WITNESS: I am a pretty tough disciplinarian, but I am fair; I owe that to myself.

By Mr. Winch:

Q. I was interested in your remarks about the inmates who are in some production work and they are paid but nobody else is. Those inmates who are not paid and may be in there for years, where do they get their money for the canteen, for cigarettes and that kind of thing?—A. If they do not have people who send things to them they do not get them; but we do furnish chewing and smoking tobacco and tooth-brushes and tooth-powder and the necessities of life; we do furnish that.

By the Presiding Chairman:

Q. I notice the brochure that you have given us is printed in the vocational school at Stateville?—A. That is right.

Q. The printing is done there and the binding, I presume?—A. Oh, yes, we have a book-binding plant there.

Q. How about these pictures?—A. They were taken there.

Q. And are the plates made by the inmates?—A. No, the plates were made outside. We do make mats there.

Mr. BLAIR: Warden Ragen is a modest man, but I think it is only fair to mention one thing for the record: last year there was a book published by John Bartlow Martin, quite a well known student of American prisons, called "Break Down the Walls," and I think some members of the committee have read it. It is due to that book that we became aware of Warden Ragen and his work. Perhaps some members of the committee would like to look at that book again and see the appraisal put on Warden Ragen and his institution by Mr. Martin.

The PRESIDING CHAIRMAN: If there are no further questions I would like, on behalf of the committee, to express to you, Warden Ragen, our very sincere appreciation for your attendance here, coming from Joliet to help us. We appreciate it very much, and your contribution has been most informative and interesting, and I am sure it will have some considerable bearing on the decisions which may be made when we come to writing a report to be given to parliament. I would like again, on behalf of this committee, to express our sincere thanks.

Mr. MONTGOMERY: Mr. Chairman, there is one question; may I ask the warden?

The PRESIDING CHAIRMAN: Certainly.

Mr. MONTGOMERY: Can you give us the average age of the inmates in your institution?

The WITNESS: Thirty-two years and five months.

The PRESIDING CHAIRMAN: Thank you, Warden Ragen. We will have an *in camera* session for a few minutes.

APPENDIX A

NUMBER OF EXECUTIONS BY ELECTROCUTION IN THE STATE
OF ILLINOIS, 1927 to 1954

PLACE OF EXECUTION

Year	Joliet:	Menard:	Cook County:	Total:
1927	0	0	0	0
1928	3	0	0	3
1929	0	0	4	4
1930	0	0	6	6
1931	1	5	4	10
1932	0	2	3	5
1933	0	3	2	5
1934	0	1	7	8
1935	5	4	1	10
1936	0	0	2	2
1937	0	1	6	7
1938	1	2	2	5
1939	1	0	3	4
1940	0	0	4	4
1941	0	0	2	2
1942	1	0	3	4
1943	0	0	1	1
1944	0	0	2	2
1945	0	0	1	1
1946	0	0	0	0
1947	0	0	2	2
1948	0	0	0	0
1949	1	0	1	2
1950	0	0	3	3
1951	0	0	0	0
1952	0	0	4	4
1953	0	0	1	1
1954	0	0	0	0
TOTAL	13	18	64	95

The above statistics are from July 1, 1927 when the law approved in the State of Illinois death by electrocution.

No records are available re: executions prior to 1927, as each of the 102 Counties in the State of Illinois, executed persons sentenced to death, which was at that time, by hanging.

APPENDIX B

ILLINOIS REVISED STATUTES—1953

CHAPTER—38. PARAGRAPHS—749-754 (inclusive).

DIVISION XIV.

“JUDGMENT AND EXECUTION THEREOF”.

749. Death penalty—Manner and time of inflicting—Extension of time.

1. The manner of inflicting the punishment of death shall be by electrocution, that is, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of person convicted until such person is dead, at such time as the court shall direct, not less than fifty nor more than sixty days from the sentence is pronounced: Provided, the day set shall not occur before the fifty days of the term of the supreme court occurring next after the expiration of said fifty days. And, provided, that for good cause the court or Governor may prolong the time. At the expiration of the time so prolonged, the judgment shall be executed the same as if that were the time fixed by the judgment for the execution thereof. As amended by act approved July 15, 1941. L. 1941, vol. 1, p. 554.

750. Place of inflicting when conviction in counties of less than 1,000,000.

2. In counties under 1,000,000 population whenever any person shall be condemned to suffer death by electrocution, for any crime of which such person shall have been convicted in any court of such counties, such punishment shall be inflicted within the walls of the Illinois State Penitentiary, Menard Division, or the Illinois State Penitentiary, known as Stateville Division. The warden of the penitentiary wherein the execution is to occur shall supervise such execution and may, in writing, with the approval of the Governor, specially designate and appoint a suitable and competent person to act under his direction, as executioner in any particular case. As amended by act approved July 18, 1945. L. 1945, p. 687.

751. Conveyance to penitentiary—Who may be present.

3. In counties under 1,000,000 population when a person is sentenced to suffer death by electrocution, it shall be the duty of the clerk of the court to deliver forthwith to the sheriff, a warrant for the execution of the condemned person and the sheriff shall thereupon convey him to the Illinois State Penitentiary or the Southern Illinois Penitentiary, depending upon which penitentiary the county involved sends its prisoners and deliver him, together with the warrant, to the warden. The expenses of transportation to the particular penitentiary shall be defrayed by the county from which the person convicted is sent. It shall be the duty of the warden of the penitentiary, the deputy warden, executioner, and the sheriff or the deputy sheriff of the county from which the person convicted was sent to be present at such execution, and in addition to the above designated persons the warden of the penitentiary or the deputy warden by at least three days previous notice, shall invite the presence of two physicians and may invite the presence of the judges, prosecuting attorney, clerks of the court of the county, from which the person came, and twelve reputable citizens to be selected by the warden or his deputy. And the said warden of the penitentiary or the deputy warden shall, at the request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said

criminal, to be present at said execution, and also such officer, guards and employees of the penitentiary as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution, nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same. As amended by act approved June 21, 1929, p. 346.

Section 2 of amendatory Act of June 21, 1929, provided that "Nothing contained in this amendatory Act shall be construed to apply to any offense committed prior to the time this Act goes into effect".

751a. Inflicting death penalty in counties over 1,000,000.

3a. In counties over 1,000,000 population whenever any person is condemned to suffer death by electrocution, for any crime of which such person has been convicted in any court of such counties such punishment shall be inflicted within the walls of the prison of the county in which such conviction occurred. It shall be the duty of the sheriff, or the deputy sheriff of the county, to be present, at such execution, and such sheriff or deputy sheriff, by at least three days previous notice, shall invite the presence of two physicians and may invite the presence of the judges, prosecuting attorney, clerks of the courts of the county and twelve persons reputable citizens, to be selected by such sheriff or deputy sheriff. And the said sheriff or deputy sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said criminal, to be present at said execution, and also such officers, guards and employees of the prison as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution, nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same. Added by act approved July 6, 1927. L. 1927 p. 400.

752. Certificate of execution.

4. The warden of the penitentiary, the deputy warden, the sheriff or the deputy sheriff of the county, as the case may be, or the judges attending such execution, shall prepare and sign, officially, a certificate, setting forth the time and place thereof, and that such criminal was then and there executed, in conformity to the sentence of the court and the provisions of this Act; and shall procure to said certificate the signatures of the other public officers and persons, not relatives of the criminal who witnessed such execution; which certificate shall be filed with the clerk of the court where the conviction of such criminal was had, and the clerk shall subjoin the certificate to the record of conviction and sentence. As amended by act approved July 6, 1927. L. 1927, p. 400.

753. Disposition of body.

5. The court may order, on the application of any respectable surgeon or surgeons, that the body of the convict shall, after death, be delivered to such surgeon or surgeons for dissection, unless the same be objected to by some relative of the convict.

754. 6. Repealed by act approved May 29, 1943. L. 1943, vol. 1, p. 589.

